
Public Safety Committee

HB 2394

Brief Description: Concerning community custody.

Sponsors: Representatives Klippert, Goodman, Davis, Ormsby and Appleton.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires terms of community custody to run concurrently when a person is serving consecutive terms of confinement for multiple sentences, unless a court specifically orders otherwise.

Hearing Date: 1/21/20

Staff: Kelly Leonard (786-7147).

Background:

Community Custody.

Community custody is the portion of a person's criminal sentence served in the community under the supervision of the Department of Corrections (DOC) following his or her release from confinement in a state correctional facility. Courts are mandated to order community custody for persons convicted of certain crimes. While on community custody, a person is subject to conditions imposed by the court and the DOC. The DOC may establish and modify conditions based on the person's risk to community safety.

The DOC may issue warrants for the arrest of any person who violates a condition of community custody. If a person violates the conditions, he or she may be subject to sanctions. Sanctions vary depending on the type of violation, the underlying offense, and other conditions. For many types of violations, a sanction can include being returned to confinement for a specified period.

Concurrent and Consecutive Sentences.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

General Requirements. When a person is convicted for multiple offenses in the same case, the court imposes separate sentences, including terms of confinement, for each offense. In this context, state law generally requires the sentences to run concurrently, which means the person serves both sentences simultaneously, with the longest period of confinement controlling. There are exceptions to the requirement for concurrent sentences. For example, sentences must run consecutively if the person committed two or more serious violent offenses arising from separate and distinct criminal conduct.

In the case of consecutive sentences, all periods of confinement must be served before community custody. If two or more consecutive sentences include periods of community custody, the aggregate of the community custody period may not exceed 24 months.

Conviction for a New Offense While Still Serving a Sentence. If a person commits a new offense while still serving his or her sentence for a previous felony, including during a period of community custody, the term of confinement for the new offense does not commence until the expiration of the sentence for the prior offense, unless a judge imposes an exceptional sentence based on mitigating circumstances.

Conviction of Multiple Offenses in Different Jurisdictions. When a person receives multiple convictions from different jurisdictions for offenses committed while he or she was not serving a sentence, the sentences run concurrently, unless the court ordering the subsequent sentence expressly orders that they run consecutively.

Summary of Bill:

Requirements are established for terms of community custody imposed in cases with consecutive sentences, including circumstances involving multiple convictions in the same case, a conviction for a new offense while still serving a prior sentence, and convictions for multiple offenses in different jurisdictions. In these circumstances, the terms of community custody for the multiple sentences run concurrently to each other, unless the court expressly requires those terms to run consecutively.

For all persons currently in confinement or community custody, the DOC must recalculate terms of community custody so that they run concurrently, unless the court expressly required those terms to run consecutively.

Appropriation: None.

Fiscal Note: Requested on January 15, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.